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23d CONGRESS—1st SESSION.

REMOVAL OF THE DEPOSITES.

SPEECH OF MR. SHEPLEY,
OF MAINE,
IN SENATE.

[CONCLUDED.]

On the next day, upon the special order in regard to the Deposites coming up,

Mr. SHEPLEY said: I wish before proceeding to make an apology to the Senate and Senator from New Jersey for an erroneous statement on yesterday in regard to the time when the Secretary was first made head of the department. The error was in stating when the power implied in making him head of the Department was given, not changing at all the fact that such power was given.

In relation to what I said yesterday respecting the alteration of the power of the Secretary from a superintendence of the collection of the revenue according to law, to a discretionary superintendence, I did not mean to be understood as claiming for him a discretionary power to act contrary to law, but a power to act in the absence of law.

I have remarked, sir, that the first and principal objection contained in the resolutions introduced by the Senator from Kentucky, is, "that the President has assumed a power not granted to him by the Constitution." This proposition, sir, rests upon the allegation that the Secretary is independent of the President. I purpose, therefore, now to consider whether the Secretary can, possibly, be independent of the Executive.

Sir, our constitution defines all power which exists in this Government. By that Constitution, three branches of power are given, and all government resolves itself into and becomes part of those three branches, which are designated as Legislative, Judicial and Executive. To create a power which is not one of these, is to create a new power—a power unknown to the constitution and to this government. You have only then to inquire to which of the three branches which I have specified, the Secretary's power belongs. Is it in the Legislative power?

What is the Legislative power? It is the power to ordain the laws or rules within its sphere of action, for the well ordering of all concerns. A high power indeed. It has no other power. The Legislative power never enters upon detail, it never puts the laws into practical operation, never executes the laws it ordains. When it has ordained the rule it has exhausted its power it can go no farther, its ability to act ceases. It can have no agents but such as are necessary to enable it to make the rule. The Constitution gives the legislative branch no agents for the purpose of executing its rules.

It is true, there are powers given to the Legislature in the constitution which are not legislative powers; such for example, as the trial by impeachment in this branch, and that of electing certain officers, which is given in some constitution to the Legislature. But these, strictly speaking, are not Legislative powers.

Sir, the Secretary has been said to be the "Agent of Congress." Congress can have no agent to put in execution a law—to carry out any provision which it may make into practical operation. It can have no agent, but those given to it in the Constitution to aid it in making the laws. The Secretary cannot legally be an agent of Congress, for the reason that Congress cannot enter upon the detailed execution of its rules.

The only pretence that I have been able to find in the Constitution for such a procedure is contained in that part which says that Congress shall "lay and collect duties." But how collect, sir? Does this imply that Congress is to go after the money? Are we to travel over the country in the capacity of common collectors? I apprehend not, sir. It means only that Congress shall ordain the rule and manner of collection. As well, sir, might Congress be called upon for detailed action under that clause which provides for the punishment of pirates and felons. Congress actually called upon to execute the felon! It would be a violation of all principle, sir, to assume that, because Congress is directed to punish and collect, it is called upon practically to carry these provisions into effect. But, sir, it is said that the Secretary is the agent of Congress because he is directed to report to that body. Are all persons agents merely because they report to Congress? Sir, the Secretary was not required to report because he was an agent to Congress, but to enable Congress to know the state of the finances, and that it might make such new rules or changes as it should deem necessary. Not only is there a reason why he should report to Congress but that reason is designated by law. The purpose for which the Secretary

was there declared. It is enacted by an act approved 10th May, 1800, as follows:

"That it shall be the duty of the Secretary of the Treasury to digest, prepare, and lay before Congress, at the commencement of every session, a report on the subject of finance, containing estimates of the public revenue, and public expenditures, and plans for improving the public revenues, from time to time, for the purpose of giving information to Congress in adopting modes of raising the money requisite to meet the public expenditures."

That purpose, then, is declared in the law to be, to give knowledge to the legislature. And this purpose being so declared, it is a violation of the law to hold that the Secretary of the Treasury is the agent of Congress. Why, sir, what has legislative power to do with the practical execution of the laws? It is absurd (with all respect for the body I address) to talk of agents of Legislative power. Legislative power, as I have before remarked, can only ordain a rule. Sir, it is as absurd to talk of the legislature executing the laws, as it is to talk of the action of an abstract idea.

Is the power of the Secretary, then, of the Judicial power? Sir, I need not argue such a question. The power of the Secretary of the Treasury has none of the attributes of the Judicial power, except in a very slight degree. It has not been held by any one, that the power of the Secretary of the Treasury is a part of the Judicial power, and it will not be so considered. But, sir, I leave it.

If the power of the Secretary, then, is neither legislative nor judicial, it must be a part of the Executive power; it can be found nowhere else in the Constitution; it is naturally and lawfully a portion of the Executive power; it performs service in obedience to law. It is ordained by the law, not by the Constitution. It carries rules, ordained by the legislature, into practical operation. And what, sir, are its functions, but the execution of law? and what is that but the exercise of executive power?

Sir, the executive power is one and undivided; and to set up the doctrine, that there is an executive power independent of the head, is to divide that executive power, when the law has made it single; or to make four powers where the Constitution has made but three, is not only an attempt to divide, but to create a new power irresponsible to all power. Sir, if the Secretary of the Treasury is independent of the Executive head, to whom is he responsible? If the President cannot overlook him and judge his conduct—if he cannot compel him to do right, if he is ever so wrong, who then can control him?

The President is responsible to the people, and to the representatives of the people, and of the States. He may be removed by the people, may be impeached by their representatives, and tried by the representatives of the States.

But this independent branch of executive power, the Secretary of the Treasury, is not to be subjected to, or responsible to, the President, nor removable by him. He cannot be removed by Congress, nor touched by the judiciary. He is a new monarch in the enviable condition of kings, who can do no wrong. He is absolved from all responsibility.

Sir, such is not the character of the Constitution; such is not the genius of our Government. It has no divided power, or subdivided in the branches of power ascribed to it. There is no such irresponsible creature in this Government; the Constitution provides for responsibility in all its branches. The President is responsible to the people for the exercise of his power, and they call him to account if he abuse it; and this is the mode in which the Constitution intended he should act. Sir, he is responsible not only to the people, but to their representatives. Here, sir, on this floor, we are to try him when he is brought before us by impeachment, and in no other mode. "There is a responsibility, also, of the legislative power to those who elect them; of the representative to his constituents, and he is bound to obey their will, because he is their agent; he has but a trust duty. So the representatives of a State are responsible to the people or the State; they hold a trust, and are not at liberty to violate that trust; and they are not to obtain that trust, and exercise it on their own pleasure. The judicial power is also responsible, by the Constitution, by way of impeachment in the House, and by trial here, it do not perform its duty. If the Government go on as it is, there is no difficulty in regard to power. The Constitution is not chargeable with creating irresponsible officers or agents; it has the character of regular responsibility in all its branches; there is a symmetry in it to repudiate the notion of independent power.

Sir, I have one word more, before I pass from this branch of the subject. There can be no such irresponsible power, and therefore the whole argument, with its epithets and reproaches of the assumption of power, is all gone, if this is the true construction of the Constitution. It is provided in the Constitution that the executive "shall take care that the laws be faithfully executed." What does that power imply? The Senator from Kentucky does not regard it as granting the power which I consider that it does grant.

I regard it as a grant of power to the President, to examine into the manner in which the laws are executed. How can the executive take care that the laws be faithfully executed, without an examination into, and a decision upon the manner of executing? Can he take care how they are executed, and yet not look into the mode and manner in which they are carried into effect? Sir, he must look into the mode and manner of their execution, otherwise he cannot tell whether they are executed or not.

Sir, the Constitution not only gives him the power to look into the mode and manner, but further, it imposes it upon him, as a solemn duty; he shall look into the manner in which the laws are executed. To omit an inquiry of the manner in which an officer performs his duty, is to omit to perform his own duty; to which the Constitution, as well as his oath, enjoins and binds him. When the President shall forbear to examine the manner and circumstances of longer put his hand on his breast and declare that he has conformed to his oath, to see that the laws are faithfully executed. All officers may go on and disregard their duties; they may omit all, and the President has no power to examine into their conduct and to enforce obedience; the whole Government is divided in its responsibility; the officers are let loose to follow their own judgment without either guide or control; the President cannot remove them and there is no other remedy.

But, sir, it was alleged that the power granted to the President by the Constitution, went no farther than the removal of resistance to your laws. Let us take that view of the power, and see what would be the effect of it. Why, if the President were only to look on—were only to be an inactive spectator of what was going on, it might be the opinion of the collector of New York, that the revenue laws were unconstitutional, and therefore ought not to be executed. And what then, sir? Why a faithful executive of your laws becomes what? Why a faithful execution becomes no execution at all, according to this interpretation. Sir, the Secretary of the Treasury is charged with a personal responsibility in the performance of the duties which the law assigns to him; and one personal duty is, in taking care of the deposits. But he does not stand alone in this respect; the collectors have their personal duty assigned them. The District Attorney has his personal duty; the Attorney General, the Marshal—all public officers are charged with the performance of personal duty.

But this does not take away the right of the President to examine into the manner in which that personal duty is performed, and to decide upon it. The President has exercised no other power than this. He has not entered upon actual exercise of the personal duty. He claims no such right. Sir, there can be constitutional law making the Secretary of the Treasury independent of the executive power. The Secretary in the Constitution must stand upon the same footing with all other subordinate officers. The President, then, had a right to urge him to the performance of his duty—to check him if he did wrong. He does no more than his duty if he does this—he omits a duty if he does less than this.

But the Senator from New Jersey says the President cannot take away the responsibility of the subordinate officer, and this power would take it away.

The President decides what is a faithful execution of the law. That is the responsibility which he has assumed—no other. That responsibility the Constitution and his oath require him to assume. This does not remove the responsibility of the subordinate officers—their duty and their responsibility agree; they exist together, and are necessary to the well carrying on of the Government together. If the subordinate officer were to form a judgment of what constituted his duty different from the opinion of the President, what then would be the line of conduct which he ought to adopt? Why it was the duty of the subordinate officer either to yield to the opinion of the President, or to retire from office. If this coincides with that of the executive, it is all well; but if he chooses to go on, holding one opinion whilst the President holds another, he must take the responsibility of such opinion.

It has been alleged that in this very case the President took the responsibility, in order that he might violate the law under the cover of his popularity. Are then the people of the nation so ignorant of their constitutional rights and privileges, that any man can violate the Constitution and be popular?

Sir, such is not the history of the Government of this nation. Such is not the history of my own State. There is no fear of such an occurrence while the people are intelligent, and know their own rights. The President would have no popularity, if, in the judgment of the people, he were a violator of the laws and Constitution. Nor does the Secretary attempt to shield himself from responsibility because the President judged as he did.

The Senator from New Jersey does not deny the power of the President to remove an officer; but he alleges that the removal of the for-

mer Secretary under the circumstances, was a great abuse of that power. And says no man, when it was early admitted to exist, "believed that it would be used for party purposes." What does the Senator mean by party purposes? Does he mean by it, that if the President should be of opinion that such a Bank of the United States was unconstitutional, and had forfeited its duty, and there should be a Secretary of the Treasury of a different opinion, that these would constitute two parties, and that a removal of the Secretary by the President would be for party purposes, and therefore an abuse of power? If this be the meaning, I cannot agree that it was an abuse of power. If a Secretary in such a case refused to do his duty, so far from being an abuse of power, I hold it to be a right use of power, a proper and legitimate use of a power which the Constitution has vested in the President, and that he would have been culpable if he had omitted to exercise it. It was no more than a faithful discharge of duty. In whatever light I view this transaction I find no reason to charge it to be an abuse of power, nor can I look upon it in other light than as I have before said, a right use of the power. If the Senator means that there was any other party purpose in it, he is contradicted by the fact, that the President and Secretary were of the same party.

An inquiry has been made, with great emphasis, whether the President can say how an officer ought to perform his duty? Sir, cannot the President say whether an officer performs his duty legally? Whether he performs it within the meaning of the law? Sir, it is his duty to see that an officer performs his duty, according to the spirit of the law, honorably and not in a fraudulent manner, so as to violate the trust which has been confided to him, and if he finds that he is not fulfilling his duty faithfully, he has a right to say so, and to urge him to the proper and constitutional discharge of the trust which has been confided to him. If he cannot say this, then is the officer at liberty to act according to his own opinion, and, however unlawful, however unconstitutional that action may be, the President cannot say he does wrong. Sir, the President can say in what manner a subordinate officer ought to perform his duty—he must say it, and if he does not say in what manner the duty is to be performed, he violates his own duty and the constitution. A case is put, and it is said that if such power was given, the President might dictate in what way the law shall be executed. He might go to the marshal and direct that a jury should be summoned in such a mode as to fulfil his own views, and thus the trial by jury, the guardian of our lives, liberties, and properties was gone. But suppose a case of high crime and fraud should happen in this district, and the marshal should summon a jury known to him to be of like principles and character with the accused, for the very purpose of acquitting him at all events, would it be a lawful execution of the laws if the President did not direct him how to do it; would it not be a faithless execution of the laws if the President did not do it honestly? The President can then "say how an officer ought to perform his duty." If he cannot do this, then indeed is the law and justice prostrated, and all offenders are released from the restraints of the law, for the officers may not execute the law, and the President may not examine how they shall do it, and of course can have no cause to remove them.

No, sir, it is the duty and the right of the Executive to see that the subordinate officers do their duty as honest men, and there is no danger in trusting such powers to the President. If he should order a subordinate officer to violate the law; if he should order the marshal of the district to summon jurors who were known for corrupt practices, then he might be impeached by the other House and this branch of the Legislature might try him for it. But take away his superintending power, and then the officer of the district may come up and summon one set of jurors or another, as may suit his own particular views and object, and who is responsible? Suppose, again, that the Secretary of the Treasury had thought proper, of his own accord, to remove the deposits, and the President had discovered that he was removing millions to his own pocket, and there being no power to superintend the action of a subordinate officer, he is an independent Secretary—there is nothing to control him in such a transaction.

Sir, I repeat that such a mode of reasoning violates the spirit of the Constitution, changes the character of the Government, and creates a civil revolution. It absolves all officers of the State from their responsibility. Sir, it is a poor mode of reasoning (with all respect) to reason from the abuse of the power that no power exists. There never was a power which was not in a condition to be abused; but is there, on this account, to be no power given? Are we so far gone back in information and intellect as to say, that because power may be abused, it shall not be granted? It is upon this poor position, the proposition that the President can abuse his power, that this great image of violation of the Constitution, of law, and oath, has been erected, and around it are hung the insignia of the prostration of the Government by the great revolution which has been consummated,

and it may fail to crush—not its opponents. But, sir, another instance of the alleged violation of the Constitution has been adduced. It is said that that clause which forbids money to be drawn from the Treasury without an appropriation, has been violated. Sir, the provisions of that clause ought to be carefully observed. It is a clause of high and valuable importance. I would be the last to detract from its value and entire operation. But sir, what does this clause mean? The Constitution prohibits money from being drawn from the Treasury without an appropriation by law. Does it mean to say that the moneys in the Treasury shall never be moved? Does it mean to pinion them down to the spot which they first touched? Does it mean that we are to tie up our hands in such a way that if the money is collected in millions at New York, we shall not remove any part of it to this city to pay our bills? Does not the clause, sir, rather mean that the money shall not be taken from the Treasury and paid to individuals without an appropriation? I could not have supposed, sir, that there would have been doubts as to the construction of this clause; that there could have been any doubt upon the subject. Yet this is one of the distinguished marks of the alleged violation of the Constitution. Sir, allow me to describe two operations connected with the last mentioned clause. What is it to take money from the Treasury? No matter where the Treasury may be—let it be in ninety different banks. It never had one particular location. Now to draw money out of the Treasury, I understand to be the taking of money out of the Treasurer's keeping, and the disposing of it in such a way that it no longer constitutes a part of the public funds; that the Treasurer shall be discharged of it altogether. Now, sir, this cannot be done without an appropriation, and without warrants being drawn, as the law prescribes. All this must be done to discharge the Treasurer of the money.

There is another operation. While it is in the Treasurer's keeping, subject to his order, (it may be that the money is in the United States Bank,) he wished a portion of it removed to a place where there is no U. S. Bank. How is he to accomplish his object so that the moneys shall still be in his keeping? Suppose he wishes to remove them to Michigan for example. He accomplishes his object, sir, by changing the place of deposits to some State Bank, or to some individual in Michigan. And, sir, this carrying of the money from one Bank to another needs no appropriation. There is nothing novel in this, either. Ever since the existence of the Government, it has been done. It is a customary proceeding. And there is no difference between what has formerly and what has lately been done, excepting that a larger portion of the money has been removed. Sir, it was never attempted before, to confound the moving of the public money from place to place, with the drawing of the public money out of the Treasury. What would be the consequence of such a construction of the constitution, as would prohibit the removal of the public money—as would prohibit the right of changing the place of the deposits? The primary operation would be that you could have no money but at the place where it was first paid in. The next operation would be, that you would have no power to protect your money, if it were in danger at the place where first paid in. Civil war, commotion, fire and flood, may all come upon it, and you could not, according to this doctrine, remove it, without violating the constitution. Sir, how happens this new construction to be got up upon the present occasion? For what purpose, and under what circumstances, does it now make its appearance? It is brought forward for the first time, and its tendency is to destroy the power of protecting your funds. It is brought forward to sustain a political Bank; a Bank distinguished for supporting its friends, and feeling the pulse of its enemies.

This very power is indirectly acknowledged in the charter of the Bank; I may almost say, directly acknowledged. And how? Has it now been adduced as a reason here, as if the bank by itself, and by virtue of its own power, may carry the money from place to place—from New York to Georgia; it may carry a great amount of money from place to place, and by its own mighty power, transfer it as he pleases? Sir, the charter provides that it shall give the necessary facility for such transfer; but the power to transfer is not given. The bank may afford the facility of transferring, that is, where the Secretary requires it; but afterwards the power remains in him, and transfers are to be made by his power, and not that of the bank. If this is true, there is a recognition of this power, which is now denied, when a transfer draft is made, and it is in the Secretary. The Bank, in consenting to its charter, consented to that power residing in the Government, and not in itself. It is a power not only to transfer in its own branches, but out of those branches. The charter admits that power; it sanctions it; Congress also admits it. But, sir, that power is now denied, though it is acknowledged in the charter, and sanctioned by Congress. Sir, what becomes again of this violation of the Constitution of the United States, by drawing the money out of the Treasury? It has no,

been done; the gentlemen have confounded the taking the money out of the Treasury with moving it in the Treasury; and the great constitutional right to do this is denied. Let me here say, sir, that this construction, which has been bro't forward at this hour, with all the vigour, eloquence, and assurance which have been witnessed, will not be able to find a father in five years from this time.

Sir, it was alleged, if I understood it, in an early period of this debate, that there was a removal of money from the Treasury; and that it was the removal from one side of the street to another, that caused all the supposed breach of faith and credit. I understand that it is now alleged, that it was not the mere transfer of a few millions of dollars that caused it. It is yielded that this did not produce the present distress; but it was the manner in which that removal was made. Here, then, the removal of some ten or twelve millions of dollars from one side of the street to the other, did not produce the distress. But if they were wrong in the mode of getting it across the street, or if there was the most distant appearance of a person attempting to steal or squander it, although nothing was lost, yet because the mischief was attempted, the manner of the transfer has destroyed all the credit of the country, although not a dollar was lost. Sir, this charge was not only made, but there was another, that the Government did not take all the money, but only a portion of it; and the Secretary desired to have an opportunity to take out the rest. Then the whole mischief in the manner is in undertaking to take the whole; and because the bank feared the Secretary would take all, by a call for a few millions of dollars in its vaults. Why, sir, is this difference in its action? Why does it to-day claim a power over the currency of the country—a power equal to control the Government itself—and to-morrow it is in terror and convulsions, on account of the fear of the withdrawal of a few millions of dollars, and is driven to push on its debtors, to prostrate their credit, to ruin the merchants, to create a panic over the whole country? Why, sir, this strange aspect at different times?

Sir, is there any necessity for all this alarm in regard to the ruin and destruction of the currency of the country, the prostration of credit, and of everything else? Could not the Bank, without pursuing such a course, pay the five or six millions which it owed the Government? If so great is its power as it has declared to be, equal to the destruction of the State Banks, can it not pay its honest debts without exciting an alarm in all the country? I think, sir, the people of the United States will understand all this. Its great means precluded the necessity of pushing on its debtors for the purpose of enabling it to pay a few millions. I think, sir, that we understand all this. The Bank has come forward with this new-made political engine, to over-awe the government, to rule the country. I am more inclined to believe, that we and the people shall understand this if we call to mind a similar operation at one period of the last war, when the government was weakened with a prostrated credit. What then was the course of the great moneyed power of the country? Have we forgotten the combination that then existed to create alarm and distress, to prostrate the credit, to overawe the government, and to compel it to legislate in obedience to it? This, sir, is but a repetition of the same thing, with the same spirit; and by the same combination of the moneyed power made by the Bank itself, to overawe the government, prostrate your constitution, and rule in its place. Sir, the same fate which marked that transaction and its actors, awaits this and the actors in it; and such will be its future history.

The Senate then, on motion of Mr. Kane, adjourned.

The next day, Mr. SHEPLEY rose and said: Mr. President: The 16th section of the Bank charter provides, 'that the money of the United States shall be deposited in the Bank of the U. States, unless the Secretary of the Treasury shall otherwise direct'; also, that in the event of removal, he shall report to Congress. It is contended, sir, that there has been a violation of this section on the part of the Secretary; and to prove this violation, a construction is put upon this section of the act, which requires it to be read as if the Secretary had no power of removal, but when the deposits were unsafe. If this construction were true, it would require the section to read thus: 'The money of the United States shall be deposited in the United States Bank, unless the Secretary being of opinion that the deposits are unsafe—are in danger—shall otherwise direct.' This construction, sir, proposes to insert, 'being at any time of opinion that the deposits are unsafe, &c.' Sir, is this construction to be given? Whether it shall be given or not is the question. It proposes to put in other language; conveying other ideas; giving other rights to the Bank, and less to the government. It proposes to change the rights of the parties; giving to the Bank the right to say to the government, you cannot remove the deposits unless they are unsafe.

Now, sir, yielding as I do that the true construction, is to be found by looking to the intention of the legislature in framing that section of the act, and that its spirit is to be ascertained from an examination of the whole act; can it be supposed that the legislature was so ignorant of the use of language, that it did not know how to use the proper language to make known its intentions? That it could not express itself in a manner to be understood without doubt or question, if such had been its intention.

Is it to be supposed that the legislature was so utterly ignorant and negligent in the construction of this charter, that it now becomes necessary for us to substitute new language—

to change the terms of the act, and the duties of the Secretary?

Sir, the very suggestion of the construction contended for, says that the Bank charter was drawn up so badly, that it is now necessary to patch it up, in order to make it speak what it is alleged it was intended. I infer, then, sir, that there was no design to have made such a provision, as that the Secretary should only possess the power of removal when the deposits were considered unsafe. Sir, is it not a part of the contract between the General Government and the Bank, that the Secretary shall exercise the power which is given to him without litigation? Was it not part of the contract that he should not be trammelled in any respect by the Bank? The Bank accepted this charter, knowing that the power of the Secretary was without limitation. It had lawyers too, who assisted in its deliberations. Sir, if there had been such a limitation as that contended for, the Bank would have been required to have given a greater bonus. The bonus which has been given would never have compensated the government for such a limitation of the power of the Secretary.

The Bank, sir, would at all times have been willing to have given four-fold the amount of the bonus to obtain such a construction of the act as that now contended to be the true one.

What would be the consequence? Why, sir, the Bank might be ever so unaccommodating; it might in every possible way, inconvenience the Government, and you could not help yourself, your hands would be tied up—for the money would be safe, sir, it would be safe.

The deposits may be used by the Bank for its own purposes—it may openly exhibit that power, and yet you cannot remove them—they are safe—you have no right to open your mouth on the subject. They may corrupt your press, they may bribe your electors, they may come into your legal department, and interfere with the enactment of your laws; and yet, because the deposits are safe, you have not a word to say against all this. I will ask, sir, who is there, being a legislator of the U. States, who would be willing to accept of such a contract now? But it is said that the remedy is not in the removal of the deposits from the custody of the Bank, but to deprive the bank of its charter by a process of law in a judicial Court. Sir, is it consistent with the dignity of this Government, to allow the practice of all these mischiefs; and not have the power to call home its own until the Bank shall be deprived of its charter? Would it comport with the dignity of any Government? If there are persons who would submit to it, I am not one of those persons. Sir, is it a friendly act towards the people of this country, over whose interests Senators so carefully watch, to humble them thus? Is it a friendly act to the people of this country to disgrace them by making such a contract? It is, sir, a contract which has never been made—a contract which it would be disgraceful to make. It is putting the nation in the posture of a humble mendicant at the footstool of a monied institution. Yet it is the breach of such a contract, which never was made, and which it would be disreputable to make, which is causing all the dismay and mischief now existing in the country.

Sir, the Senator from South Carolina, if I understand him rightly, alleged, that this power of the Secretary was a trust power to be exercised for the benefit of both parties. Not so, sir; a trust power to be exercised for the benefit of both parties is a power to do an act by which both parties may be benefited; and that is not this case; this a trust power inserted for the security, and to preserve the interest and honor of one party. It cannot possibly be exercised in such a manner as to benefit the Bank. The Bank may be benefited by a forbearance to use the power, not by its exercise; and it would have been a violation of that trust to refuse to execute it in such a manner as to preserve the interest and honor of the country.

Sir, the gentleman from South Carolina says again, that the whole power of the Secretary of the Treasury is concentrated in the safety of the deposits—that if the intention of the legislature were to prevail, the whole power vested in him was, to keep them safe. But, sir, I was not able to hear the gentleman give any reason for the allegation. However high may be my opinion of his talents; and I have a very high opinion of them, yet I cannot condescend to take for granted the dictum of any man on earth. He must condescend to give his reasons before he can produce conviction on my mind. And I must also be permitted to give my reasons for not viewing the subject in the same light. My first reason is, because the proper language is not used in the definition of its powers to bear the construction which has been given to them, whilst other language is used, and we can only gather knowledge of what is intended by legislative acts, from the ideas which the language in which they are couched conveys.

The second is, that it is a well settled principle of law, that in the interpretation of statutes and recognized by all respectable judicial tribunals, that where a power is given in a statute without limitation, courts of law cannot constructively insert a limitation.

I thirdly, I cannot believe it possible that such was the intention of the legislature—it cannot be, that Government in its legislative branch, would thus disgrace and humble itself; and this would have been both humiliating and disgraceful. The language of the act taken naturally as it stands, makes the law.

Now, sir, if I have in any measure understood the arguments that have been adduced, the course of reasoning has been, first, to make the law by construction to appear to be what it was not designed to be—and then to show that the law or contract they made by construction has been broken; then alleged that it is by a breach of such a contract, never made, but by a breach of construction, that the violation of public faith, and the prostration of credit, has been effected.

No one could have convinced me, that on my first coming here I should have met with and had to contend such a mode of reasoning.

The Senator from Kentucky has asked where is the Treasury? What does that imply, that the Senator could perceive no other possible place for it but the U. S. Bank? Why ask such a question if it does not imply that there could be no other place of safety, or of honor, or of convenience for it. This is greatly to elevate the Government of the country; to suppose there can be no other place for the Treasury but in the vaults of that Bank. Sir, the Treasury is now where it always has been. It is where even the money of the United States is subject to the Treasurer's draft. I think I do not mistake in saying that it never was wholly in the U. S. Bank. It has at all times been partly in the State Banks since the charter of the U. S. Bank. In those places where there are no branches of the United States Bank, it has been in the State Bank. The Treasury, then, has been partly in the United States Bank, and partly out of it. And it has always been transferred at pleasure, some part of the money, at least, from the U. S. Bank to the State Banks. All which has now been done, is to do with the whole what it has been the constant practice to do with certain portions. The law has not ordered any particular place, where the Treasurer is to keep the money, except in the Bank of the United States, till the Secretary shall order otherwise; it was in the Bank of the United States with such a restriction and limitation; and the Secretary acted in accordance with the contract in the charter when he put it where it was before, in the State Banks, and State institutions for money.

The Senator from S. C. seemed to be alarmed at the power claimed for Congress, or for the Secretary "to dispose of the moneys as the public interest and convenience might require." Sir, has there been any claim made by the President or Secretary of such a power? The Secretary claims not that power—claims no power to dispose of the money. He has only claimed and exercised the power to order where the money shall be kept in the Treasury.

What then is meant by the power to dispose of the money? If he means the power to spend it, to put it out of the Treasury, and give it into the hands of those who are for applying it unconstitutionally to schemes and projects of their own, the President and the Secretary have neither assumed such a power, nor acted on such a project; they have not disposed of the money, unless to remove it; and if that is his meaning, there is no cause of alarm; if he mean the power to spend it, it is not assumed by the President or Secretary. It is well to keep some degree of understanding of what power has been claimed, and what has been exercised. We are not to understand the power to expend, when the power claimed is only that of removal, and when they have executed only the power of removal, and not to spend.

Sir, it does not seem fair to reason, and go on, and show the consequences of the exercise of power to expend the money, and then leave it to be inferred that the power is claimed, when it is neither claimed nor exercised. Sir, it will be time enough to do this, when the thing is attempted or done; and when such power shall be claimed or exercised. I will go all lengths with the Senator to stay such an abuse; I pledge myself to join him if need be, in the very front rank of the contest. But I may at present be permitted to stay my aid, and resist the current of these high charges against the officers of the government, who have never exercised the right alleged, nor claimed to do so.

Again, sir, it is said that even the power of Congress is a trust power, and that Congress has no right to dispose of the revenue merely for the public interest and convenience; and to this I agree. Congress has no unlimited power over the money of the United States, to dispose of it for the public interest and convenience. They are limited, as regards the money of the Government, within the sphere of their power; and they are not to expend it on any fancied scheme or project; they are limited, bound down, and cannot do this without a violation of the Constitution. But, sir, let us wait here again till Congress make an attempt to do this, and not get up the charge that Congress is a machine, simple enough, acting by its own independent powers; let us wait till there is a reason for it; let us confine ourselves till the moment when Congress or the President or any other branch of Government undertake such an exercise of power, without any legal claim upon the money, and then it will be time for us to interfere and stop such progress.

Sir, there is one other idea which I desire to place before the Senate at the present time. One great cause of alarm stated by the Senator from South Carolina, is that of an accumulation of power in the Executive, which, in consistency with his principles, he is bound to resist the accumulation of power by construction, requires that he should resist the Executive when attempting to accumulate power; and therefore it is right to resist the removal of the deposits. Sir, I believe the fear of his statement being realized, is the ground on which he professes to act.

Sir, on what principle is it that the Bank of the United States stands at all as a constitutional Bank? Is it not because it becomes necessary to carry into due execution the purposes of the Government? I believe it is decided that the Bank cannot have an existence, unless it is necessary to the Government, to enable it to exercise the powers specifically given. The power over the revenue is specifically given, and the Bank must stand on the power needful to Government, for the exercise of the power which it is to carry out over the revenue. But what, sir, does this imply? It implies a lack of power in the Government; it is too weak to get on without a bank of the United States. To remove the deposits is to place the Government in the same condition as respects the revenue, as it was in before the charter of the bank of the United States—that is, in a condition where it has less power, and so little power that it was thought necessary to increase it by chartering the United States Bank. How consistent, then, it is to hold that the removal of the deposits is an accumulation of power, it is not for me to decide.

Sir, one of the complaints which I have heard against the President of the United States and on an assumption of illegal power—for I confine myself to the assumption of such power, and the violation of law—is, that the President assumes, and gives his reasons in his paper of September last, and asserts the right to exert a control over the morals of the people, the freedom of the press, and over the elections. The Senator from Kentucky asks, where is the clause in the Constitution which authorizes the President to assume such power over the morals of the people, the press, and the elective franchise? He denies that the President has power to act on these things; he asserts that he has no power over religion. He implies that the President asserts that he has the power to legislate and determine what religion shall be; what shall be the morals, the purity of the press, and the elective franchise. Sir, the President has not assumed, and does not assume, the right to direct and control religion and the press. What power does the President assume? He proposes simply and only, that in the exercise of his power to carry the laws into effect, he will not take such a course as will injure the morals of the community, corrupt the press, or interfere with the freedom of the elections; he never means to permit himself to take such a course as will corrupt the morals or the purity of the elective franchise, or break down the freedom of the press.

Now, is it not the duty of the President to take care that the morals of the community are not corrupted? Do not all Governments understand that there is a moral sense in the community, which requires to be preserved? I turn to religion, which has been already introduced in this discussion. It is not claimed that Government shall legislate on religion. Does not government acknowledge religion? Do not we take our oaths, when we come into this House, under the influence of religious feelings? Therefore, it may be the duty of the government not to destroy this sense of religion. The Executive does not propose to determine upon what shall be religion or morality, but to take care that the action of the government shall not destroy them. Sir, this is all the action which is proposed with regard to the press. The Executive does not wish to interfere in the way which seems to have been imagined by the Senator from Kentucky, by his reading the alien and sedition law; and until the President assumes the right to control the press—to say what it shall and what it shall not do—we may refrain from loading him with the opprobrium which has lately been cast upon him. All the Executive has done, has been to say that the press shall not be improperly acted upon. Is it not his duty to see to this? Is he not called upon to prevent abuse; to prevent any undue interference with the press? So, again, with relation to the elective franchise. He claims no right to say what the elective franchise shall be. He simply says that no agent shall corrupt the elective franchise, break it down or prevent its action. Hence, sir, the President is not justly chargeable with any such assumption of power as has been alleged against him. All these charges are made against him for facts which he has never committed. But, sir, another instance of the abuse of power is brought against the President. He is said to have brought about a union or combination of the purse and sword. And, sir, if there be any just ground for this charge—if any union has been effected by the President, of the purse and the sword of the country, then there is ground for alarm. But let us see if it is so first. Let us have proof before we proceed to chastisement. How has this union taken place? Has the President taken money out of the Treasury without an appropriation? If he has done this, then that part of history which refers to the Roman Dictator will be applicable to the President; but until there has been an assumption of this power—until money has been taken out of the Treasury and united with the sword, we may spare ourselves the trouble of bringing illustrations from history.

Sir, when has the President assumed the right to take money from the Treasury without an appropriation? I have carefully looked for the record of such an improper act, on the part of the Executive, but I have been able to find none. Sir, there is an entire absence of such conduct on the part of the President. I have looked to find if he has assumed this power, leaving its exercise out of the question; but I have been able to discover that he has never assumed it. Let the Senator who made this charge, show that the power has been exercised or even assumed, and then I will go with him; and will not refrain either from speaking or acting. But I call for proof that this power has been assumed or exercised. It remains for those who have brought forward this charge to prove its truth; it belongs to them, to stand before the nation and account for the abuse which they have heaped upon the head of the President. In another place these

rules do not bind, as they do here; it will also be proper, for those persons to say why—for what purpose—those charges, without proof, have been brought forward. All that the President does is to order the money to be removed, not taken out of the Treasury. There is no more union with the sword, now, than there was when it was in the United States Bank. Alarm may subside upon this subject, until facts are made known. Sir, we have had alarms upon alarms, of assumption of power—of ruin and distress, so often during the last four years, that we are taught by experience that these storms will pass over the country and leave it uninjured and unscathed, calm, serene, rich and beautiful, lovely as loving woman. But, sir, although there is no union of the purse and sword, permit me to show you that there is union of the purse and press. Sir, the purse and the sword here—in this country—can do but little, comparatively, with what may be accomplished with the purse and the press. Sir, the first blow which shall be struck by the sword for power, by nation or by State—by a popular President or a disappointed candidate, will carry a thrill through the hearts of ten millions of this people, and a million of swords will instantly be raised to quell the battle and teach the offender duty. There has been no such union, sir, as the purse and the sword; and if there were such a union, its power would be feeble, its influence trifling—until the character and intelligence of the people of this country shall have become changed. When that hour arrives, it matters little what part of the law or constitution shall be violated, if the people are ready for it. But until that time comes, sir, until the people are thus debased and degraded, let those strike for power—be they States or Presidents—who dare.

But, sir, it is not thus with the press. The press, united with the purse, disturbs suddenly no man's nerves. It is less noted in its progress, but more fearful when corrupted, than the sword when bought. The combination of the purse and the sword is imaginary—that of the purse real. Is it not so? The Capital of the United States Bank is at the disposal of one man. He is authorized to employ it upon the press—has employed it upon the press. The press has yielded—has been subsidised—has been bought—is now held—controlled. The public press operates upon—influences public opinion. Public opinion controls the public judgment—the public judgment controls the government—rules the nation. Sir, if the press ever loses its power over public opinion, it will be when it sells out to a moneyed monopoly, and being humbled, prostitutes itself to a pauper for its iniquity. Then will the people turn away with loathing, and refuse to listen to one that must do the bidding of a master.

Sir, I have passed over the great alleged assumptions of power—assumptions which are in violation of the constitution; and where are they now found? They are found, sir, only in the strange construction of the constitution, in the new views that are taken of what is dear to the country—attempts to make the constitution what it is not—attempts to hold forth a character of the constitution which it never had; and to exhibit the constitution different from what it is. The violations of the law are of a like character, resting merely on assumptions of law to make them appear odious, and having thus raised up a superstructure, resting on imagination, then comes forward the abuse for violating such laws and such a constitution as they are pleased to make them. And it is then, at this hour of alarm, that they come forward with such allegations—such constructions—and to increase the sufferings of the public.

Sir, much—very much—new light shines upon our legal and constitutional rights. It is reflected from the marble walls of a banking palace. It shines, sir, bright enough, to enable those who once saw an U. States Bank to be an evil, to see it now to be a good; bright enough to enable us to see our country presenting a divided executive. Subordinate officers irresponsible to all authority—the Treasury of the U. States only in its vaults—moneys of the United States incapable of preservation from intestine commotion or foreign enemies. Truly it may be said of such a light, "it dazzles to blind."

Great Meeting in New York. An Anti-Bank meeting was held in New York on the evening of the 30th ult. said to be the largest ever held in that city. The Standard says—"It is agreed by the lowest computation that from six to eight thousand citizens attended. The Chair was surrounded by crowds of our wealthiest citizens, whose feelings evidently gave tone to those of the meeting. The resolutions against the restoration of the deposits and the rechartering of the U. S. Bank, were passed without a dissenting voice, and with a fervor and enthusiasm of feeling, such as never was equaled before. The memorial to Congress, which was adopted, has already obtained from nine to twelve thousand signatures." [Age.]

The advocates of the Bank, accuse the President of having distributed the deposits among his favorites. Mr. Calhoun makes the charge in the following words: "The Executive, in his turn following the example, has taken them from that deposit, and distributed them among favorite and partizan banks."

What is the fact? Four only of the Banks selected to receive the deposits are under the direction of friends of the administration. Fifteen of them are under the direction of opponents of the administration, and the remaining four of the twenty three, neutral. A spica of fact adds materially to the force of an assertion.

We should lay before the debates posing the what is done onit speech of our Leg what they cannot give but endeavor most interest good Speech on the reme has been so that little ne matters of a 'torical pow even the lim sufficient sp bates. The keep our rea est that may we shall not have before exception w Mr Shepley this days pay attentive per the other Ser made a spee the subject is said to ha in general, filth and par on the Presi their continu pments may confined to while their c find matter of the natural c is a plain an perplexing m for electione among the pe atrically confi cion.

It is curious pments sym from the ran much abuse d individual here himself worth act of treach then they are arms and sm embraces. gratitude and party will no they have fou and opposed complainers they when th of trust and support those in opposing th lical princip at once; but be right in th interests of th them by relat advancement. they enjoy to whom they ar ing it. The mies we are them with the to wrest from turning again

The hirel their system time been the people by 'to procure p deposits. W real distress community a chinations of ed probably own interest of money. every paper up is filled w distress. F ed out of em are as they a few thousa S. Bank. T produce the some deduct counts. In and all exag are in some

OXFORD DEMOCRAT.

PARIS, FEBRUARY 11, 1834.

We should be pleased did our limits permit, to lay before our readers a portion at least of the debates in our State Legislature but supposing the people to be more anxious to know what is done than what is said we are obliged to omit speeches in order to insert the proceedings of our Legislature and some few glimpses of what they are talking about in Congress. We cannot give a full Journal of the proceedings but endeavor to select what is in our opinion most interesting to our readers. Some very good Speeches were made in our Legislature on the removal of the Deposits, but the subject has been so long under discussion in Congress that little new light would be expected. Other matters of a local nature have exercised the oratorical powers of our members at Augusta but even the limits of a daily paper do not afford sufficient space for all the proceedings and debates. Therefore while we shall endeavor to keep our readers apprised of all matters of interest that may be pending here or in Congress we shall not attempt to publish speeches. We have before given our reasons in favor of the exception we make in favor of the Speech of Mr. Shepley which occupies a large portion of this days paper, and which we commend to the attentive perusal of our readers. Mr. Sprague the other Senator from this State is said to have made a speech on the occasion though not on the subject of the removal of the deposits. It is said to have been about matters and things in general, raking and collecting together all the filth and party abuse that has been thrown upon the President and his administration during their continuance in office. Whatever our opponents may say of Mr. Shepley's speech, it is confined to the subject matter under debate, while their clamorous wander far and wide to find matter of complaint or reviling. Such is the natural course of things. The path of truth is a plain and safe path; that of falsehood a perplexing maze. Speeches that are intended for electioneering harangues, to be distributed among the people are not expected to be very strictly confined to the question under discussion.

It is curious to observe how deeply our opponents sympathize with traitors and seceders from the ranks of democracy. No matter how much abuse they may have heaped upon the individual heretofore, no sooner has he proved himself worthy of their companionship by some act of treachery or abandonment of principle than they are ready to receive him with open arms and another him with their loathsome embraces. They talk long and loudly of ingratitude and proscription, that the democratic party will not cherish and support those whom they have found treacherous to their principles and opposed to their interests. But do these complainers practise upon a different rule? Do they when they have the power place in offices of trust and reward with their confidence and support those who are active and determined in opposing them? Certainly not. If our political principles are wrong let us abandon them at once; but if they are as we believe them to be right in themselves and essential to the best interests of the people then we must maintain them by rebuking those who would thwart their advancement, or pervert the influence which they enjoy to the destruction of the party to whom they are indebted for the means of exerting it. Though enjoined to forgive our enemies we are no where commanded to furnish them with the means of injuring us. It is right to wrest from their hands the weapons they are turning against our own breasts.

The hirelings of the Bank are well trained to their system of tactics. They have for some time been endeavoring to operate upon the people by means of falseclamors, in order to procure petitions for the restoration of the deposits. We do not deny that there is some real distress among the mercantile class of the community arising as we believe from the machinations of the Bank and its supporters, aided probably by others who regard only their own interest which is promoted by the scarcity of money. A considerable portion of almost every paper in favor of the Bank which we take up is filled with accounts of real or anticipated distress. Failures of merchants, workmen turned out of employ and stagnation of business are as they tell us the consequence of removing a few thousand dollars from the vaults of the U. S. Bank. These stories may in some degree produce the state of things they describe. But some deductions must be made from these accounts. In the first place they are partly false and all exaggerated, and in the next, those that are in some degree true are got up for political

effect. We believe that our farmers find as ready market and as good a price for their produce as at any former period. If the distress were real this would not be the case. But admitting all that is true about the distress we must not shrink from the task of throwing off the yoke of vassalage which the Bank would impose upon us, though the struggle should cost us something.

Legislature of Maine.

FOURTEENTH SESSION.

IN SENATE.

Monday, Feb. 3.
Mr. Farnsworth, from the joint select committee to whom was referred an act to establish the compensation of Clerks of Courts, and giving further remedies on Clerks' bonds, reported that the same ought not to pass—read and accepted.
The Secretary of State laid upon the table the official statements received at the Secretary's office of the expenditures made by the Kennebec, East Somerset and West Somerset, Agricultural Societies, and the Cumberland Agricultural and Horticultural Society—read and referred to the Committee on Agriculture.
The committee to whom was referred the bill prescribing the mode of making and repairing highways, reported that further legislation on that subject is inexpedient; which report came up from the House—read, and on motion of Mr. Smith, recommitted to a joint special committee, consisting on the part of the Senate of Messrs. Smith and Chandler, with such as the House may join.
Order from the House, instructing the committee on the judiciary to inquire into the expediency of repealing an act to encourage the destruction of crows, &c.—read and passed in concurrence.
Bill to annex Chandler's Gore to Livermore, was read once and referred to the next Legislature.

Tuesday, Feb. 4.
Mr. Tobin gave notice that he should tomorrow move a reconsideration of the vote whereby the Senate refused to pass a Bill relative to Clerks of Courts, &c.

Wednesday, Feb. 5.
A communication from the Governor, informing both branches of Legislature of the resignation of Major General Samuel Moore, and that a vacancy now exists in the office of Maj. Gen. of the seventh Division of the Militia of this State, read and sent down.
A message from the House informing the Senate that the House had reconsidered their vote whereby they accepted the report on the Petition of inhabitants of Chandler's Gore, referring the subject to the next Legislature, and requesting the return of papers.

Bill additional establishing the salaries of Judges and Registers of Probate, came up, the House having refused said Bill a passage. It was laid on the table.
Resolve to amend the Constitution relative to the time of holding the sessions of the Legislature, was read a second time and passed to be engrossed, as follows:

YEAS. Messrs. Allen, Bradbury, Brown, Cobb, Cogswell, Emmons, Farnham, Farnsworth, Frye, Groton, Howard, Kelsey, Knowlton, Labaree, Manning, Pease, Pierce, Porter, Prescott, Rogers, Smith, Tobin, and Williamson.
None in the negative.

Friday, Feb. 7.
Mr. Bradbury from the Committee on State Roads, to whom was referred, an order instructing them to inquire into the expediency of making an appropriation for the repair of the Canada Road, reported that about eighteen miles of said road from the forks of the Kennebec River to the north line of Bingham's Kennebec Purchase is now in a very bad condition and almost impassable for carriages, and that an appropriation for the repairs of said road north of said Bingham Purchase is unnecessary and inexpedient.

HOUSE OF REPRESENTATIVES.

Monday, Feb. 3.
Remonstrances were presented and referred—of Benjamin Wyman et al. against the division of Fryeburg—of inhabitants of Fryeburg against the same.

On motion of Mr. Pillsbury,
Ordered, That Messrs. Pillsbury, Kimball of Gilead, Hill, Russ, Whitney of Palmyra, Chase, Crane, Worcester, Keene and Soule, with such as the Senate may join, be a committee to enquire into the expediency of passing a law that the meetings for the choice of town officers shall be holden on the same day in the several towns and plantations in this State.

On motion of Mr. Hubbard,
Ordered, That Messrs. Hubbard, McCrate, and Bronson, with such as the Senate may join, be a committee to enquire into the expediency of amending an act for the limitation of actions real and personal and of writs of error, approved March 29, 1829; also an act approved March 31, 1831, additional, regulating elections.

Tuesday, Feb. 4.
Mr. Smart, from the Committee on revising the Act relating to exempting certain goods and chattels from attachment and from distress for taxes, reported a Bill to exempt one seed plough, one iron tooth harrow, three scythes and rigging, three axes, three hoes, one shovel, one iron bar, two ox-chains, one yoke and bowstring and staple from attachment, execution and distress for taxes, which was once read and tomorrow assigned.

The House concurred with the Senate in referring to the next Legislature the Report on petition of inhabitants of Chandler's Gore, granting leave to bring in a Bill.

The Bill to increase the salary of the Register of Probate in Washington County was read a third time.

The question was then put, and the House refused to pass the Bill, 61 to 56.

The report of the Committee on the Bill relating to the mode of making and repairing highways that legislation is inexpedient, came down from the Senate, recommended to a Joint Select Committee.

Mr. Moore of Dover, moved to recede from the vote accepting the report, and concur with the Senate.

The question was then put, and the motion to recede and concur was lost, 92 to 47.

On motion of Mr. Pierce, the Bill was then ordered to lie on the table.

Wednesday, Feb. 5.
Mr. Smith presented a Resolve authorizing the Treasurer to negotiate in behalf of the State a loan of \$50,000 at 5 per cent. interest, which was read and ordered to lie on the table.

Bills, to authorize certain persons to build a bridge across the Kenduskeag stream at Bangor, to incorporate the Harpswell Soap Stone Company, additional respecting the Winthrop Bank, to incorporate the Penobscot Bridge, were severally read and to-morrow assigned.

Resolves, in favor of the Penobscot Tribe of Indians, to amend the Constitution relative to the time of the annual session of the Legislature and the time of the annual State elections, were severally read and to-morrow assigned.

Bill to exempt certain implements of husbandry from attachment and execution, and for distress for taxes, was read and to-morrow assigned.

Thursday, Feb. 6.
Ordered, that to-morrow at 11 o'clock be assigned for the choice of Major General for the 7th Division of the Militia of Maine, on the part of the House.

Passed to be enacted—Bills; to incorporate the city of Bangor; to incorporate the George's Insurance Company; to incorporate the Brunswick Manufacturing Company; to incorporate the town of Barnard; to authorize certain persons to build a bridge across the Kenduskeag Stream in Bangor.

Finally passed—Resolve respecting the building of a jail in the County of York.
On motion of Mr. Jewett of Portland,
Ordered, that the Committee on Finance, appportion to the several towns and plantations in this State the sum of \$50,410 88, as a State Tax for the current political year.

(From the Daily Age.)
MEETINGS OF THE PEOPLE. We have before us the proceedings of five large meetings of the people in Pennsylvania—three of them County meetings, one at the seat of Government in that State, and another in Southwark, a part of the city of Philadelphia. All of them were spontaneous gatherings of the people, coming up in their strength to the support of the Government, and indignant at, and desirous to put down, the mock expressions of public sentiment got up by the creatures of the Bank. The Globe says of them and particularly of that in the strong-hold of the Bank, the following:—

"A STREAM OF MANY TIDES AGAINST THE FOES OF THE PEOPLE."
Nobly is the key-stone State coming up "to the rescue." The lion of Democracy is roused from his lair, and the jackals of the Bank fly before him. In the City of the Banks, the beacon fires of liberty are lighted with a boldness and a spirit which insure a response from every mountain and hill-top.

A meeting was held last Monday in Southwark, a part of the city of Philadelphia, by upwards of TWO THOUSAND FREEMEN. The eloquence and spirit of their resolutions may be imitated, but can scarcely be excelled. They will be echoed by millions of unbought freemen in every quarter of the Republic.

Hon. Levi Lincoln has been nominated as a candidate for Congress, to fill the vacancy occasioned by the resignation of Gov. Davis of Massachusetts, and has accepted the nomination.

By the proceedings of yesterday, it will be seen that the House has by a strong vote, refused any further action upon the "Road Bill," so called, referred from the last to the present Legislature.—[Daily Age, of the 5th ult.]

MARK ISLAND. The Washington correspondent of the Argus, under date of the 27th Jan. says "that a bill has been reported in the House to day, appropriating the sum of two thousand five hundred dollars for the erection of a new Light House on this Island, in the vicinity of the entry to Harpswell. This is said to be a matter of interest to the commerce of Cumberland District, and will undoubtedly meet with success."

We learn that Jonathan Cilley has sued General Tonn, editor and publisher, for ten thousand dollars, for an alleged injury done his good name by the publication of certain statements in the Eastern Argus. The editor says—"We have never published any thing relative to Cilley which we did not believe to be true, or the truth of which we in the slightest degree doubt." He says that the facts were published in defence of those whom Mr. Cilley had denounced, and accused of base motives and corrupt designs, and for the purpose of

"lowering the authority of the accuser," and without one grain of personal malice against individual. He also signifies his intention of defending, and his determination that "the inestimable rights of a free press shall not be violated in the person of the editor and publisher of the Eastern Argus, without a struggle to defend them."—[Age.]

"LIES OF THE DAY."

The Baltimore Chronicle says:—"Petitions are before the Legislature of New York for about fifty new banks, and it is probable that the greater portion will be chartered."

This assertion is copied by the National Intelligencer. There is not the least probability that the greater portion will be chartered.

An Ashington correspondent of the Secretary of the Hartford Convention, writes on the 18th inst—

"Mr. Van Buren's friends have pledged themselves to support Col. Johnson for Vice President, if Mr. Van Buren should not find a competitor in him for the Presidency."

Nothing can be more false. Mr. Van Buren's friends have made no pledges on this subject. The Secretary of the Hartford Convention and his Washington fabricator, are defied to the proof.—[Albany Argus.]

The dwelling house of Mr. Edward Beal of Ellsworth, was consumed by fire on the 29th ult. Nearly every thing was lost. Before the family were awake, which was about one of the clock, the fire was tremendously raging, and no hope could be entertained of saving any thing but the lives of the inmates. A large family, between one and two of the clock, in a very cold night, had to flee for shelter nearly a quarter of a mile in their night clothes, while their late comfortable dwelling was a prey to the destroying element. Loss supposed \$1500 or 2000. [Argus.]

Sleighing in New Orleans. The New Orleans Advertiser of the 6th inst. states that a novel spectacle was seen in that city on the day previous. Several individuals determined to enjoy the pleasure of a sleighride, knocked up in a few hours, some vehicles, but little resembling sleighs indeed, but still good enough for a few hours of fun and frolic. Some of them were tolerably good, and set off with buffalo robes and strings of bells. The oddest however, of all, was one belonging to a Jack Tar. It was composed of two pieces of boards tapered round at the forward ends, and fastened together by a crate, which served Jack and his shipmates for a box whilst he drove his lean nag ahead with a hoop pole.

Remarkable health of Portland.—Our obituary record for the month of January furnishes but a single death, that of a colored woman aged 27 years. This is the only death reported in our city from the 19th December to the first of February, a period of forty two days. Probably a parallel to this has not occurred in the history of this place for half a century past. [Portland Courier.]

The Boston Duel.—The affair of honor alluded to the other day, which was prevented by the arrest of one of the parties, has at last been consummated. The parties were R. C. Hooper of Boston, and a Mr. Jones of North Carolina. Mr. Jones had been put under bonds to keep the peace of the Commonwealth, so the parties repaired to Rhode Island where the bonds would not hold them. They met with their seconds, at Pawtucket on Friday and exchanged shots. Mr. Jones was wounded in the thigh, and they returned to the Tremont House in Boston, good friends again.—[ib]

Appointments by the Governor and Council.

John Anderson of Wiscasset, to be Register of Probate for Lincoln County, vice John H. Sheppard, whose term of office had expired.
Joseph A. Deane of Ellsworth, to be Clerk of the Judicial Courts for Hancock County, vice Thomas Cobb whose term of office had expired.

Increase of Methodists.—We presume no sect has advanced in an equal ratio with the Methodists in this country. Precisely fifty years since, when their church was first organized, there are said to have been only 14,988 members, or about 1 to every 200 of our whole population, whereas there are now over 600,000 or about 1 to every 23.

There is a singular disparity attending this proportion in different parts of the country. Very generally the proportion increases as we go South and West, with remarkable regularity. In this city (where Methodism had a beginning in 1790) the proportion is shown by returns to be very nearly 1 to 71; in New York (where the sect had its first head quarters) 1 to 44; in Philadelphia, 1 to 30; in Baltimore, 1 to 12; in Charleston, (including colored members) 1 to 9.—[Bos. Mer. Jour.]

Legal Penalties in England.—Any one who sells an almanac without stamp is liable to pay £10. Any one who acts as an appraiser without license, \$50. Any one who writes an appraisement, or note of hand, or bill of exchange, on paper not duly stamped, £50. Any person who sells a newspaper or a pamphlet, without a stamp, or lets a post horse, or sells any medicine or plate without license, \$20; and any person who gives any receipt on unstamped paper, £10.

The Farmer and the Beggar. A strong, hoarse, lazy fellow who preferred begging for a precarious substance, to working for a sure one, called at the house of a blunt Massachusetts

settles farmer, and in the usual language of his race, asked for "cold victuals and old clothes." "You appear to be stout hearty looking man," said the farmer; "what do you do for a living?" "Why, not much," replied the fellow, "except travelling about from one place to another." "Travelling about, ha?" rejoined the farmer, "can you travel pretty well?" "Oh yes," replied the sturdy beggar, "I am pretty good at that." "Well, then," said the farmer coolly opening the door,—"Let's see you travel."

Great rise in the Ohio River. The Cincinnati Advertiser of the 15th inst. mentions that the ice had disappeared from the river and was succeeded by great quantities of drift wood.—On the evening previous, it was 43 feet above low water mark, and was still rising rapidly.

Is it not strange that many of our merchants who are groaning under the partial press and general panic, confess that the Bank is the cause, and yet approve it on the ground that "the Bank has a right to defend itself?" The institution being unable to reach its opponents, is right in injuring its friends! This is surely the last argument of benighted slavery. [Pennsylvanian.]

Aristocracy vs. Democracy.—"Who are you, Tom Smith? my father keeps a horse," said a young urchin to his playmate.—"What of that," answered Tom, "my father keeps a horse and so do I too."

The Augusta Journal states, upon authority, that Mr. Goodenow declines being a candidate for Governor at the next election.

NOTICE.

AN address will be delivered at the South Meeting House in this town before the Temperance Society in that place on the 25th inst. commencing at one o'clock P. M. by George F. Tewksbury A. B.

DIED.

In Bethel, Clarinda, daughter, of Samuel McAllister, aged 8 years and 8 months.

Sheriff's Sale.

TAKEN on Execution and will be sold at Public Auction, to the highest bidder therefor, at the Store of Ezra T. Russell, of Bethel, on Saturday the fifteenth day of March next, at one of the clock in the afternoon, all the right in equity which Moses Bisbee, Junior, of Bethel, in the County of Oxford, Blacksmith, has to redeem the Lot of land numbered thirteen, in the eighth Range of Lots, situated in said Bethel, the same being mortgaged to the said Russell for the payment of a sum unknown.

Particulars to be made known at the time and place of sale.

AARON CROSS, Dept. Sh'ff.
Bethel, Feb. 5, 1834. 3w26

COMMISSIONER'S NOTICE.

NOTICE is hereby given that the Subscribers have been appointed by the Judge of Probate for the County of Oxford, Commissioners to receive and examine all the claims of the several creditors to the Estate of Daniel G. Swan, late of Waterford in said County, Trader, deceased, and six months from the twentieth day of January last have been allowed to said Creditors to bring in and prove their claims; and that the subscribers will attend the service assigned them, at C. Whitman's office in said Waterford on the last Saturdays of Feb. March, and April 1834, at 2 o'clock P. M.

CHARLES WHITMAN.
LEVI BROWN.

Waterford, February, 1, 1834. 3w26

Copartnership Notice.

THE subscribers have formed a connexion in business under the firm of SMITH & BENNETT, and have taken the Store near the Mills, formerly occupied by J. B. Smith, where they have for sale on the most reasonable terms for cash, country produce, or credit, a good assortment of W. L. Goods and Groceries, English and American Goods, Hardware, Crockery and Glassware, School Books and Stationery, Paints, Medicines, &c. &c. making it all a very extensive variety of reasonable goods. Former customers of the subscribers are respectfully invited to call.

JONATHAN B. SMITH.
ANTHONY BENNETT.

Norway-Village, Nov. 16, 1833.

SMITH & BENNETT will carry on the Potash here, before improved by A. Bennett, and wish to receive notice in exchange for Goods at their cash prices.

Norway-Village, Nov. 24, 1833. 1f 16

School Books, &c.

E. LIVERMORE has transferred the stock of School Books and Stationery formerly kept at the Oxford Bookstore to the Subscribers, which he is authorized to sell at the following prices for CASH, viz: American First Class Book, 75 cts.; National Reader, 50, Introduction to do. 25, Analytical Reader 25, Sequel to do. 50, Young Reader 17, Goodrich's History of the U. S. 42, National Spelling Book 17, Introduction to do. 8, Webster's do. 12 1-2, Whippley's Compend 75, Parley's Geography 25, Ingersoll's Grammar 50, Fleck's do. 50, Greenleaf's do. 50, Campbell's 8, Walker's Dictionary 30, Webster's do. 71, Smith's Arithmetic 34, North American do. 1st part 10, do. 2d part 10, Temple's do. 25, Knapp's do. 42, Colburn's do. 25, do. sequel 67, Walch's do. 67, Pronouncing Testaments 30, do. 12 1-2, Bibles 34. Also—At prices equally low, Student's Companion, Worcester's Primer, Worcester's 2d Book, Jackson's and other Arithmetics, Manuscripts, Writing Books, Noyes' Penmanship, Slate, Paper, Ink and every other article of the kind used in schools.

—LIKEWISE—All the Patent Medicines, and Agencies formerly kept at the Oxford Bookstore for the same, Barton or E. Livermore.—Among which are: Aker's Eye Water, Lee's Windham Pills, Denne's Thompson's Vegetable Pills, Anderson's Cough Droplets, Jewett's Essence of Sassafras, Sall. Rhum, Ointment, no. British Oil for Fish, Rich Ointment, Opodeldoc, Brown's Drops, Turlington's Balsam of Life, Oil Soap, German Elixir, Vegetable Pulmonary Balsam, &c. &c. Aromatized Snuff, &c. &c.

I have transferred all the Patent Medicines formerly kept by me, together with the Agencies for the same to Smith and Bennett.—Purchasers may depend upon finding the genuine articles by applying to them.

SMITH & BENNETT.
Norway-Village, Nov. 11, 1833. 2w26

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